UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

HABITAT FOR HORSES, a Texas non-profit corporation; AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, a New York non-profit corporation; THE CLOUD FOUNDATION, a Colorado non-profit corporation, TONI MOORE; and DR. DON MOORE,

Plaintiffs,

v.

KEN SALAZAR, in his official capacity as Secretary, U.S. Department of the Interior; ROBERT ABBEY, in his official capacity as Director, Bureau of Land Management; KENT WALTER, in his official capacity as Field Manager, Bureau of Land Management, White River Field Office,

Defendants.

10 Civ. 7684 (WHP)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying declarations of Kent Walter, Francis Ackley, and Amy A. Barcelo, defendants' statement pursuant to this Court's Local Rules 56.1, and the memorandum of law dated January 28, 2011 as well as all pleadings filed in this matter, Ken Salazar, in his official capacity as Secretary, U.S. Department of the Interior; Robert Abbey, in his official capacity as Director, Bureau of Land Management, and Kent Walter, in his official capacity as Field Manager, Bureau of Land Management, White River Field Office, by their attorney Preet Bharara, United States Attorney for the Southern District of New York, hereby move this Court, before the Honorable William H. Pauley III, United States District Judge, in the United States Courthouse, 500 Pearl Street, New York, New York, for partial dismissal of the complaint pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure, and for partial summary judgment in favor of the Government pursuant to Rule 56 of the Federal Rules of Civil Procedure.

Pursuant to this Court's order of December 22, 2010, Plaintiffs opposition to the defendants' motion for summary judgment must be submitted by February 25, 2011, and defendants' reply papers in support of the Motion must be submitted by March 7, 2011.

Dated: New York, New York
January 28, 2011

PREET BHARARA
United States Attorney for the
Southern District of New York
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